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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,683

04/02/2004

John Overman

63288-660

9777

7590

05/04/2006

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EXAMINER

TRAN, KHOI H

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,683	<b>Applicant(s)</b> OVERMAN ET AL.	
	<b>Examiner</b> Khoi H. Tran	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-50, 56-58, 61 and 62 is/are rejected.
- 7) ☒ Claim(s) 51-55, 59 and 60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

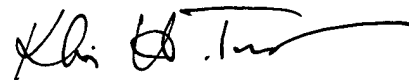
#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**KHOI H. TRAN**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 43 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 43, the term "the jaw" lacks antecedent basis.

Claim 51, the term "a guide member" lacks positive identification. It is not distinct whether the element is actually part of the claimed combination. Positive recitation identifying "a guide member" as part of the claimed combination is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 43, 45-48, 50, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Moltrasio et al. 4,516,762.

Moltrasio et al. '762 disclose a feeder assembly per claimed invention. The assembly comprises vacuumed lifting mechanism 11 adapted to selectively lift an item from a stack of items (Figures 1-6). The lifting mechanism reciprocates in a first direction between an engagement position wherein the lifting mechanism engages the

item, and a lifted position wherein the lifting mechanism completely separates the item from the stack of items. The assembly comprises gripping mechanism 7 adapted to selectively remove the item from the lifting mechanism and move the item to a desired location. The gripping mechanism reciprocates in a second direction generally perpendicular to the first direction, between an item grasping location wherein the jaw closes around the item and removes the item from the lifting mechanism (Figure 3), and an item release location wherein the jaw is open and releases the item to the desired location (Figure 6). The gripping mechanism comprises a home location (Figure 1). Moltrasio et al. '762 anticipates all structural elements per claimed invention. It is inherent that Moltrasio et al. '762 assembly is usable in a mailpiece-feeding environment.

In regards to claim 46, Moltrasio et al. '762 comprises a separator element 8 to assist in separating the item from the stack of as the item is lifted from the stack.

In regards to claims 48, 50, Moltrasio et al. '762 comprises a drive assembly for driving a platform 3 to a desired position.

5. Claims 43-48, 50, 56, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Emigh et al. 5,823,521.

Emigh et al. '521 disclose a mailpiece feeder assembly per claimed invention. The assembly comprises vacuumed lifting mechanism 37 adapted to selectively lift an item from a stack of items (Figure 4). The lifting mechanism reciprocates in a first direction between an engagement position wherein the lifting mechanism engages the item, and a lifted position wherein the lifting mechanism completely separates the item

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from the stack of items. The assembly comprises gripping mechanism 23/24 adapted to selectively remove the item from the lifting mechanism and move the item to a desired location. The gripping mechanism reciprocates in a second direction generally perpendicular to the first direction, between an item grasping location wherein the jaw closes around the item and removes the item from the lifting mechanism, and an item release location wherein the jaw is open and releases the item to the desired location. The gripping mechanism comprises a home location.

In regards to claim 44, Emigh et al. '521 comprises plurality of sensors for controlling the lifting and gripping mechanism.

In regards to claim 46, Emigh et al. '521 comprises a separator element 43 to assist in separating the item from the stack of as the item is lifted from the stack.

In regards to claim 48, Emigh et al. '521 comprises a drive assembly for driving a platform to a desired position.

In regards to claim 62, Emigh et al. '521 comprises gripping sensor for detecting mailpiece within the jaw assembly.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 44, 57, 58, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moltrasio et al. 4,516,762 in view of Emigh et al. 5,823,521 and in view of Willits et al. 4,958,824.

Moltrasio et al. '762 discloses all elements per claimed invention as explained in paragraph 4 above. However, it is silent as to the specifics of the sensors associated with the lifting and gripping mechanism.

Emigh et al. '521 teach that sensors are used to automatically verify and control the operations of the lifting and gripping mechanism. Emigh et al. '521 comprise sensor(s) for sensing operating conditions of the gripping jaws.

Willits et al. '824 teach that sensors are used to automatically verify and control the operations of the lifting and gripping mechanism. Willits et al. '824 comprise sensor(s) for sensing when the lifting mechanism is in the engaged/extended position (column 3, lines 46-51). Willits et al. '824 comprise sensor(s) for sensing when the lifting mechanism is in the retracted/lifted position (paragraph bridging columns 7 and 8). Willits et al. '824 comprises sensor(s) for sensing "home" position of actuating device.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Moltrasio et al. '762 lifting and gripping mechanism with sensors because they facilitate automatic controls for the lifting and gripping mechanism, as taught by Emigh et al. '521 and Willits et al. '824.

8. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moltrasio et al. 4,516,762 in view of Nelson 4,921,388.

Moltrasio et al. '762 discloses all elements per claimed invention as explained in paragraph 4 above. However, it is silent as to the specifics of a stack sensor.

Nelson '388 teaches a stack sensor for sensing the availability of sheets prior to the actuation of the lifting mechanism.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided Moltrasio et al. '762 with a stack sensor because it facilitates the diction of sheets prior to the actuation of the lifting mechanism, as taught by Nelson '388.

#### ***Allowable Subject Matter***

9. Claims 51-55, 59, and 60 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 43-62 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

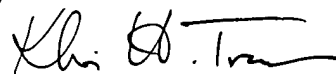
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H. Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
04/28/2006